

A4R
8233
v9/7
copy3



South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 9

March 3, 1992

No. 7

CONTENTS

House Week in Review.....	2
Bills Introduced.....	4

S. C. STATE LIBRARY

JUL 10 1992

STATE DOCUMENTS

Printed by the Legislative Council

OFFICE OF RESEARCH

Room 309, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803)734-3230

Legislative Update, March 3, 1992

Under the House-passed amendment, the county boards would answer to the county DSS directors, who temporarily would be placed under the authority of the interim state commissioner "until the General Assembly takes other action on this matter." H.4321 now goes back to the Senate which will consider the latest House amendments to the bill.

In other action, the House gave third reading Thursday to H.4117, a joint resolution allowing the State Supreme Court to remove any judge from office if the court finds misconduct in office. This proposed constitutional amendment was given second reading Wednesday by a 98-0 vote.

Also given third reading last week was S.1140, legislation that would amend the definition of a corporation headquarters and add additional requirements to receive the state tax credit. The bill was given second reading on Thursday and third reading on Friday.

Given second reading on Thursday was H.4267, the so-called "slasher movie" bill. This legislation would prohibit the rental or sale of violent video cassettes to young people under 17-years-old. Movies fitting this description also would have to be displayed in a separate area of the video store or department.

Legislative Update, March 3, 1992

Highway Department Reorganization (S.494, Sen. Lourie). This legislation restructures the State Highway Commission and how the State Highway Department is funded and disperses money.

Under this legislation, all state appropriated funding for the department would go into the State Highway Fund. All federal revenues would be deposited in the Federal Aid Highway Fund. Beginning July 1, 1993, the department would process all expenditures through the state Comptroller General's office, thereby losing its status as a lump sum institution. By July 1, 1994, all highway department pay checks would be paid by the Comptroller General, and the details of capital improvement projects would have to be submitted to the Comptroller General.

The six-member legislative committee, established to oversee intra-budgetary transfers by the Highway Department, also would review the department's annual budget. The committee would have the power to make budget recommendations to the department which must be carried out within the budget process time frame. The department's secretary\treasurer would be changed to a Director of Finance and Administration, who would be hired by the department's executive director, not the Highway Commission. Also eliminated would be the State Highway Engineer, who would be replaced by the Director of State Highway Engineering. This position also would be hired by the department's executive director, as opposed to the Highway Commission.

Regular reports to the General Assembly must be made by the department. The bill specifies the department must submit a 10 year construction and maintenance plan and a 5 year traffic regulation plan. A report listing all firms doing business with the department and the amount of the contracts would be reported to the Legislature, as would a by-county accounting aggregate of gasoline tax receipts. The department exemption from the State Procurement Code also would be repealed.

The Strategic Highway Plan for Improving Safety and Mobility (SHIMS) program would be disbanded, allocating uncommitted funding to the state highway fund. Contracts for SHIMS projects already approved would be honored and completed. A \$10 million separate account for economic development would continue to be funded by the gasoline tax with the monies expended by the state Coordinating Council for Economic Development.

The Highway Commission would be restructured along congressional district lines. Two highway commissioners would be selected from each district, with the governor appointing a commissioner at-large to serve as chairman. Beginning in April 1993, the commissioners would be elected for four year terms by the legislative delegation of each congressional district. The current commission members would continue to serve until April 15, 1994.

Legislative Update, March 3, 1992

Threatening Referees (H.4445, Rep. Cromer). This bill would make it unlawful to threaten a person officiating at an athletic event for an elementary or secondary school. The provisions also would extend to threats against his family. Conviction would result in a jail sentence of not more than five years.

Election and Filing Date Changes (H.4448, Rep. Corning). This legislation would permanently change the filing and primary election dates. Candidates for statewide, congressional or multi-county district offices would file between June 16-June 30. Candidates for legislative office, county-wide office or a lesser office would file between June 1-June 15.

In addition, the primary election date would be changed from second Tuesday in June to the third Tuesday in August if this legislation is enacted.

FOI Change (H.4453, Rep. Quinn). Under this legislation, the definition of a public body under the state Freedom of Information Act would be expanded to include a committee whose members were appointed by administrative personnel for the purpose of recommending the selection of a site for a public building. This would open up the meetings and decisions of these committee to public scrutiny.

Juveniles Tried As Adults (H.4483, Rep. Jimmy Bailey). This bill would change the current law to require teenagers 14-years-old or older to be tried as adults in general sessions court if they are charged with a felony, housebreaking or robbery. Teenagers age 16 or older charged with a misdemeanor also could be tried as adults. Juveniles that are charged with a felony offense that would be a crime if committed by an adult must be fingerprinted by law enforcement. A juvenile committing a status offense would not be fingerprinted. Juveniles between the ages of 14 and 17 who are adjudicated delinquent for committing a felony must be sentenced based on the sentencing used for adults and must be held in a maximum security juvenile facility until they are 18.

State Grand Jury Revisions (S.555, Sen. Pope). This legislation would broaden the scope of the statewide grand jury to investigate criminal activity relating to public corruption and election law violations. The state grand jury currently has the authority to investigate crimes involving drug trafficking and obscenity.

Legislative Update, March 3, 1992

- giving legal advice or implying the investigator is working with an attorney unless he has the attorney's consent.

Violations of the provisions of this act would be a misdemeanor carrying a fine of not more than \$5,000 and/or one year in jail. This bill would eliminate current provisions that require private investigators to register with the State Law Enforcement Division.

Automobile Joint Underwriting Association (H.4464, Rep. Smith). This lengthy bill would establish an Automobile Joint Underwriting Association, consisting of all insurers authorized to write automobile insurance in the state. The purpose of the association would be to provide automobile liability insurance on a self-supporting basis. The association would be activated when the State Insurance Commission declares an emergency because of the unavailability of automobile liability insurance or the unavailability of insurance on a reasonable basis through normal channels. The commission would oversee the operation of the association in an economic, fair and non-discriminatory manner.

A licensed driver may apply to the association for insurance coverage if the driver meets the underwriting requirements and has no unpaid, uncontested premiums. Each application for coverage would contain a statement informing the applicant that he is not being insured in the private market and that coverage with a private agent might be available at a lower cost.

In establishing the rate structure for the association, investment income must be considered so that it becomes part of the rate making and setting process. With the Insurance Commissioner's approval, the association could have a rate increase or assessment. A deficit sustained by the association must be funded by a rate increase applied prospectively. After the first year, the rates of the association must be based on its loss and expense experience and investment income. The rates must be on an actuarially sound basis and must be calculated to make the association self-supporting. All insurance companies would participate in the expenses and losses of the association in proportion to the net premiums written by each member.

The joint underwriting association would be governed by a seven-member board. One member would be appointed by the governor to represent consumers; four would be appointed by the commissioner to represent member insurance companies. The final two members would be appointed by the chairman of the House Labor, Commerce and Industry Committee and the Senate Banking and Insurance Committee to represent the general public.

In addition to the Joint Underwriting Association, this legislation also proposes changes in the uninsured motor vehicle laws. These provisions would require a vehicle owner to pay a \$400 fee upon registering and licensing an uninsured vehicle. Insurance companies would have five days to notify the State Highway Department of a insurance termination or cancellation, and the department would revoke the registration and license tags upon receiving notice from the insurance companies.